

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

-v.-

Approximately \$429,547.02 in
United States currency currently
on deposit in Citibank checking
account 4988947242 held in the
name of John Ashe;

A Rolex Sky-dweller watch, Serial
Number 11781846; and

a Rolex Datejust II watch, Serial
Number 11731437,

Defendants-in-rem.

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VERIFIED COMPLAINT
FOR FORFEITURE

18 Civ. ____ (____)

Plaintiff the United States of America (the "Government"), by
its attorney Geoffrey S. Berman, United States Attorney for the
Southern District of New York, for its verified complaint (the
"Complaint") alleges, upon information and belief, as follows:

INTRODUCTION

1. This action is brought by the Government pursuant to
18 U.S.C. §§ 981(a)(1)(A) and (C), and 985, seeking the
forfeiture of certain property traceable to and/or involved in a
bribery and money laundering scheme.

2. The property sought by this complaint was subject to criminal forfeiture in connection with the prosecution of John Ashe in *United States v. John W. Ashe, et al.*, 15 Cr. 706 (VSB), but those criminal forfeiture proceedings have been terminated by order of *Nolle Prosequi* before any final order of forfeiture as a result of Ashe's death on June 22, 2016.

3. By this Complaint, the Government seeks forfeiture of all right, title and interest in the following property:

a. Approximately \$429,547.02 in United States currency on deposit in Citibank checking account 4988947242 held in the name of John Ashe (the "Defendant Account"), which, pursuant to the December 9, 2015 Stipulation and Order filed in *United States v. Ashe, et al.*, 15 Cr. 706 (VSB), includes:

(i) All funds formerly on deposit in Citibank checking account 4984033347 held in the names of John Ashe, Anilla Cherian, and Son #1 and currently on deposit in the Defendant Account (the "3347 Account");

(ii) All funds formerly on deposit in Citibank checking account 4984033398 held in the name of John Ashe as custodian for Son #2 and currently on deposit in the Defendant Account (the "3398 Account");

(iii) All funds formerly on deposit in Citibank checking account 4984033304 held in the name of John Ashe and Anilla Cherian and currently on deposit in Defendant Account (the "3304 Account");

(iv) All funds formerly on deposit in Citibank savings account 4984033312 held in the name of John Ashe and Anilla

Cherian and currently on deposit in Defendant Account (the "3312 Account");

(v) All funds formerly on deposit in Citibank savings account 4984035529 held in the name of John Ashe as custodian for Son #1 currently on deposit in Defendant Account (the "5529 Account");

(vi) All funds formerly on deposit in Citibank checking account 4991647654, held in the name of Cherian Ashe Group Ltd. and currently on deposit in the Defendant Account (the "7654 Account"); and

(vii) All funds formerly on deposit in Citibank brokerage account C25037711, held in the name of John Ashe and currently on deposit in Defendant Account (the "7711 Account");

(i-vii, collectively, the "Subject Accounts").

b. A Rolex Sky-dweller watch, Serial Number 11781846 ("Rolex-1"); and

c. A Rolex Datejust II watch, Serial Number 11731437 ("Rolex-2");

and all property traceable thereto.

JURISDICTION AND VENUE

4. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1345 and 1355(a) and (b) (1) (A).

5. Venue is proper pursuant to 28 U.S.C. § 1355(b) (1) (A) because acts and omissions giving rise to the forfeiture took place in the Southern District of New York.

BACKGROUND

6. John W. Ashe ("Ashe") served in various positions at the Permanent Mission of Antigua and Barbuda ("Antigua") to the United Nations ("UN"), the headquarters of which is located in New York, New York. Starting in or about May 2004, and continuing until in or about Fall 2014, Ashe served as the Permanent Representative of Antigua to the UN, that is, Antigua's ambassador to the UN.

7. Beginning in or about 2011, Ashe expected to be elected as the 68th President of the UN General Assembly ("UNGA"), and began soliciting money from others, purportedly to support his forthcoming Presidency. On or about June 13, 2013, Ashe was formally elected as the UNGA President for a one-year term beginning in or about September 2013 and ending in or about September 2014.

THE INDICTMENT

8. On or about October 20, 2015, Ashe, among others, was charged in two counts of a ten-count Indictment, *United States v. John W. Ashe, et al.*, 15 Cr. 706 (VSB) (the "Indictment"), a copy of which is attached as Exhibit A, and incorporated herein by reference, charging Ashe with two counts of Subscribing to a False or Fraudulent United States Income Tax Return, in violation of Title 26, United States Code, Section 7206(1).

9. The Indictment also charged four other individuals with conspiracy to commit bribery, in violation of Title 18, United States Code, Section 371 (Count One), bribery, in violation of Title 18, United States Code, Section 666(a)(2) (Counts Two through Five), conspiracy to commit money laundering, in violation of Title 18, United States Code, Section 1956(h) (Count Six), and money laundering, in violation of Title 18, United States Code, Section 1956(a)(2)(A) (Counts Seven and Eight). Ashe was one of the recipients of the bribes charged, and of money transmitted in violation of the money laundering statute.¹

10. As alleged in the Indictment, in exchange for monetary payments, Ashe, while serving as the Permanent Representative of Antigua to the UN and later as the President of the United Nations General Assembly, agreed to and did perform official actions for businesspeople based in China who were seeking benefits from the UN and/or the government of Antigua. (See Indictment ¶¶ 2 and 4).

11. As alleged, during the course of the scheme, Ashe agreed to and did accept at least hundreds of thousands of

¹ Ashe was not identified by name in Counts Two through Eight of the Indictment as the individual being bribed. Instead, all references to Ashe referred to him as the President of the UN General Assembly.

dollars in bribes from co-conspirators, certain of whom were seeking to build a multi-billion dollar, UN-sponsored conference center in Macau, China (the "the UN Macau Conference Center"). In exchange for these payments, among other actions, Ashe agreed to and did submit an official UN document to the then-Secretary-General of the UN, which claimed that there was a purported need to build the UN Macau Conference Center. In addition, in return for the bribe payments, Ashe agreed to support businesspeople's interests within the UN and/or within the Antiguan government.

12. As alleged, Ashe solicited a portion of his bribes to be paid to two business bank accounts that Ashe opened at two major American banks, in the name "John Ashe dba John Ashe PGA 68," and "Office of the President of the General Assembly PGA 68 Operating Account," for the purported purpose of raising money for his UN General Assembly Presidency ("PGA Account-1" and "PGA Account-2," together, the "PGA Accounts"). Ashe was the sole signatory on both of the PGA Accounts. From in or about 2012, up to and including at least in or about 2014, Ashe received over \$3 million in the PGA Accounts from both foreign governments and individuals. During the same time period, Ashe withdrew more than \$1,000,000 from the PGA Accounts and transferred the money to personal bank accounts, including the Defendant Account and Subject Accounts (together, "the Personal Accounts").

13. As alleged, from in or about 2012, up to and including at least in or about 2014, Ashe transferred more than \$1,000,000 from the PGA Accounts to his personal bank accounts, including the Personal Accounts, in the United States, and used the money to pay for, among other things, Rolex-1 and Rolex-2.

14. On or about July 7, 2016, following Ashe's death, a *Nolle Prosequi* was so-ordered by United States District Judge Vernon S. Broderick.

15. All defendants charged with conspiracy to bribe and/or bribing Ashe have pleaded guilty, except for defendant Ng Lap Seng, a/k/a "David Ng," a/k/a "Wu Liseng," who proceeded to trial on June 26, 2017, and was convicted of all counts, as charged in Superseding Indictment S5 15 Cr. 706 (VSB) (which is also incorporated by reference herein), on July 27, 2017. Specifically, Ng was convicted of one count of conspiracy to commit bribery and to violate the Foreign Corrupt Practices Act ("FCPA"), one count of bribery, two counts of violating the FCPA, one count of conspiracy to commit money laundering, and one count of money laundering.

PROBABLE CAUSE

16. A review of the bank records for the PGA Accounts along with the bank records of the Personal Accounts, and other bank and financial records, revealed that one or more of the Personal Accounts received proceeds traceable to the bribery

scheme, and that certain monies transmitted in furtherance of that scheme, including monies transmitted to or transferred into one or more of the Personal Accounts, were transmitted from China to and/or through the United States, as alleged in the Indictment. Review of bank and other financial records also revealed, among other things:

a. In or about September 2015, there was in excess of \$104,000 in proceeds traceable to the bribery scheme on deposit in the 3304 Account.

b. On or about March 16, 2014, Ashe purchased the Rolex-1 and Rolex-2 in part by charging the amount of \$49,592.56 with his American Express credit card (the "Amex Account").

c. On or about March 18, 2014, there was in excess of \$49,592.56 in proceeds traceable to the bribery scheme on deposit in the 3304 Account.

d. On March 18, 2014, a payment from the 3304 Account was made to the Amex Account, which was applied to the balance due for the Rolex-1 and Rolex-2 purchase.

17. On or about December 9, 2015, Ashe and the Government entered into a stipulation authorizing the transfer of all funds on deposit in the Personal Accounts (except for \$12,000) to the Defendant Account and the freezing of those funds, in light of the Government's allegation that the Personal Accounts contained or were derived from proceeds traceable to the bribery scheme

and/or property involved in money laundering. This stipulation was so-ordered by United States District Judge Vernon S. Broderick.

18. Accordingly, Rolex-1, Rolex-2, and the Defendant Account, is forfeitable pursuant to Title 18, United States Code, Section 981(a)(1)(A) and/or (C).

FIRST CLAIM
(FORFEITURE UNDER 18 U.S.C. §§ 981(a)(1)(C) and 985)

19. The Government incorporates by reference paragraphs 1 through 18 above as if fully set forth herein.

20. Title 18, United States Code, Section 981(a)(1)(C) subjects to forfeiture:

[a]ny property, real or personal, which constitutes or is derived from proceeds traceable to . . . any offense constituting 'specified unlawful activity' (as defined in section 1956(c)(7) of this title), or a conspiracy to commit such offense.

21. Title 18, United States Code, Section 1956(c)(7)(D) provides that the term "specified unlawful activity" includes an offense under "section 666," as is charged in Counts Two through Five of the Indictment.

22. The Defendants in Rem constitute proceeds of the bribery offenses alleged above and therefore are subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C).

SECOND CLAIM
(FORFEITURE UNDER 18 U.S.C. §§ 981(a)(1)(A) and 985)

23. The Government incorporates by reference paragraphs 1 through 18 above as if fully set forth herein.

24. Title 18, United States Code, Section 981(a)(1)(A) subjects to forfeiture:

any property, real or personal, involved in a transaction in violation of 1956 [or] 1957 of [title 18, relating to money laundering offenses], or any property traceable to such property.

25. The Defendants in Rem constitute property involved in the money laundering offenses alleged above and therefore are subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A).

REQUEST FOR RELIEF

WHEREFORE plaintiff, the United States of America, requests that judgment be entered as follows:

- A. Enter judgment against the Defendants in Rem, and in favor of the United States, on the first claim alleged in the Complaint and on the second claim alleged in the Complaint;
- B. Issue process to enforce the forfeiture of the Defendants in Rem, requiring that all persons having an interest in the Defendants in Rem be cited to appear and show cause why the forfeiture should not be decreed, and that this Court decree forfeiture of the

Defendants in Rem to the United States of America for disposition according to law; and

- C. Grant the Government such further relief as this Court may deem just and proper, together with the costs and disbursements in this action.

Dated: New York, New York
February 26, 2018

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Commission Expires FEBRUARY 20, 2016